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QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS

STRENGTHENING OF THE UNITED NATIONS SYSTEM

Letter dated 2 February 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

Since the delegation of the Federal Republic of Yugoslavia was not able to participate in the consideration of the question of reform of the United Nations during the fiftieth regular session of the General Assembly, I have the honour to transmit, enclosed herewith, the position of my Government on this issue.

I should be grateful if you would have the present letter and its annex circulated as an official document of the fiftieth session of the General Assembly under agenda items 47 and 163.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

96-02654 (E) 080296 090296

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ANNEX

Position of the Government of Yugoslavia concerning the reform of the United Nations

1. The Federal Republic of Yugoslavia supports the initiatives and efforts aimed at establishing the criteria and laying down the foundations for the revitalization and reconstruction of the United Nations in the newly created conditions in international relations in the post-cold-war period.

2. Although the contours of the new world order are not yet clearly defined and the precise answers to new developments in international relations are still to be supplied, the United Nations, as a universal international organization, should embark, even in such conditions, upon a process of reform. The report of the Secretary-General entitled "An Agenda for Peace", and its Supplement, constitute a solid basis for the discussion and adoption of concrete decisions, so much so that they enjoy the broadest support of the States Members of the United Nations, including the Federal Republic of Yugoslavia.

3. The Federal Republic of Yugoslavia considers that in discussing these very important issues and, in particular, in adopting decisions, full account must be taken of, and due respect given to, the basic principles of the Charter of the United Nations and the participation of all Member States in that process on an equal footing. It is particularly important to ensure that the participation of the greatest possible number of Member States in the process of adopting decisions which are to adjust the United Nations to modern-day changes and lead it into the twenty-first century, thus providing the greatest possible support to the proposed changes. After all, no reform of the United Nations should run against the interests of any of its Member States.

4. The Federal Republic of Yugoslavia considers that the importance and role of the United Nations in establishing, maintaining and promoting international peace are irreplaceable and that the United Nations should continue to be the principal, effective and objective centre of ensuring peace. In this context, a special role should be played by the Security Council, which is directly responsible for maintaining international peace. Therefore, the Security Council should reaffirm its primary responsibility, based principally on its competence and obligations under the Charter of the United Nations.

5. In the post-cold-war period, the Security Council has been able ever more frequently to achieve a higher level of identity of views on an ever greater number of world problems. No doubt, that is eloquent proof of its new quality and strengthened role. The Federal Republic of Yugoslavia is supportive of these developments, provided the increasing unanimity in decision-making does not reflect absolute supremacy and arbitrary and imposed solutions by some of the permanent members of the Security Council.

6. In view of the profound changes that have taken place in international relations, the Federal Republic of Yugoslavia considers that conditions have been created to have the ongoing discussions relating to the increase in membership of the Security Council and the strengthening of its effectiveness

reflected in concrete decisions. There is also no doubt that our agenda should include greater democratization, as well as greater transparency in the work of the Security Council, and the Federal Republic of Yugoslavia supports the measures that have been taken to that effect thus far.

7. As far as the increase in the membership of the Security Council is concerned, the Federal Republic of Yugoslavia considers that the membership should not be increased to the detriment of equitable geographical representation, i.e., such representation that would enable the Security Council to carry out effectively its tasks deriving from the system of collective security.

8. Any genuine reform of the United Nations, and of the Security Council in particular, cannot sidestep the discussion and adoption of relevant decisions concerning the method of decision-making in the Security Council. This is particularly true of the right of veto which, at its core, runs against the grain of the principle of sovereign equality of the States Members of the United Nations and may adversely affect the effectiveness and efficiency of the Security Council.

9. The Federal Republic of Yugoslavia considers that force and coercive measures, including sanctions, under Chapter VII of the Charter of the United Nations may be used only as measures of last resort and only after the international community has not been able, despite all its efforts, to remove the threat to international peace and security in a different way. Moreover, sanctions should not be imposed, under any pretext, to achieve the political goals of the most powerful countries, which play the leading role in the process of decision-making in the Security Council, and should be lifted as soon as the threat to peace, which accounted for their imposition, has been eliminated. Besides, humanitarian assistance should be exempted from sanctions and delivered without prior special decisions by the Security Council Sanctions Committee.

10. The Federal Republic of Yugoslavia deems it proper and necessary to point also on this occasion to the recent practice of the Security Council of resorting to frequent use of force or imposition of mandatory measures, in disregard of the principles of the Charter of the United Nations and the norms of international law, i.e., following an arbitrary interpretation of the powers of the Security Council and the adoption of hasty decisions without prior verification of facts. Coercive measures, sanctions in particular, cannot solve international conflicts, let alone civil wars.

11. The Federal Republic of Yugoslavia considers that the practice of the Security Council with regard to sanctions should be reviewed, especially in the light of increasing resort to this measure. The sanctions should neither serve as punishment nor retaliation. The implementation of sanctions must not threaten the human rights and the material and social existence of broad segments of the population. Unfortunately, past practice has been replete with many examples to the contrary and has provided ample evidence that sanctions and their arbitrary imposition have affected the broadest and most vulnerable segments of the population - the sick, children and the elderly.

12. The Federal Republic of Yugoslavia considers that it is necessary to discuss the work of the Sanctions Committee as well. In this context, it supports the Secretary-General's positions, expressed in the Supplement to "An Agenda for Peace".

13. The Federal Republic of Yugoslavia attaches absolute priority to the use of political means in international relations, particularly in solving conflicts and disputes. In this context, it welcomes and supports the efforts of the Secretary-General aimed at solving international crises by peaceful means. It considers that special attention should be given to the consideration of future actions of the United Nations in accordance with the proposals contained in "An Agenda for Peace", primarily to the strengthening of mechanisms for peaceful settlement of disputes and for the further elaboration of a concept of preventive diplomacy.

14. Peace-keeping operations have been amongst the most important activities in the entire history of the United Nations and its overall efforts to maintain international peace and security. No discussion of the reform of the United Nations should therefore leave this important question out of consideration. The Federal Republic of Yugoslavia considers that the consent of interested parties, the impartiality of the members of peace-keeping operations and non-interference in internal affairs should continue to be the basic principles in the implementation of peace-keeping operations. However, it is evident that developments in international relations have brought about changes in the traditional perception of peace-keeping operations and that their mandates tend to be more specific and complex than in the past. None the less, the Federal Republic of Yugoslavia considers that it is very important that, through the Secretary-General, the Security Council should ensure political leadership and control over the functioning of peace-keeping operations, i.e. that it should define more precisely the mandates of peace-keeping operations.

15. The Federal Republic of Yugoslavia attaches special importance to the role of the International Court of Justice, which is unjustly neglected in practice. It believes in the authority and impartiality of this prestigious international institution and calls for increasing recourse to its contentious and advisory jurisdiction in the future.

16. No reform of the United Nations can succeed if the General Assembly, as its principal plenary organ, does not reaffirm its role as the centre for the harmonization of all activities of the United Nations, as provided for by the Charter of the United Nations. The Federal Republic of Yugoslavia considers that, in addition to its coordinating role, it is necessary to strengthen the "supervisory function" of the General Assembly, especially in the discussion of, and the suggestions with respect to, the reports of its principal organs, including those of the Security Council. In this context, the Federal Republic of Yugoslavia supports the other concrete measures as well, such as the streamlining and updating of the agenda, reduction of the number of resolutions, etc.

17. The Federal Republic of Yugoslavia also supports the implementation of the decisions on the restructuring of the economic and social sectors, aimed at

strengthening and adjusting this sector to the changes that have taken place in the world and to development needs of the developing countries.

18. The strengthening of the role of the Secretary-General is a precondition for the successful discharge of the tasks with which he is entrusted by the Security Council and the General Assembly. The Federal Republic of Yugoslavia supports the measures the Secretary-General has taken to streamline the Secretariat of the United Nations and make it more efficient and compatible with the new role of the United Nations.

19. In conclusion, the Federal Republic of Yugoslavia wishes to reiterate the importance it attaches to these questions. In that vein, it is ready to contribute, together with other States Members of the United Nations, to the modernization of the United Nations and the strengthening of its overall activities and the affirmation of multilateral forms of cooperation and the maintenance of international peace and security.

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